



IN THE COURT OF COMMON PLEAS

PORTAGE COUNTY, OHIO

Tracy Braho
9 Penn Avenue
West Middlesex, PA 16159

And

Ronald Braho
9 Penn Avenue
West Middlesex, PA 16159

Plaintiffs,

Vs

Liquid Transport Corp
c/o John L. Alden,
statutory agent
1 East Livingston Avenue
Columbus, OH 43215

And

Isaias Castellanos, Jr.
4200 Lander Avenue
Turlock, CA 95380

Defendants.

Case No.

2016CV00996

Judge

JUDGE BECKY L. DOHERTY

COMPLAINT WITH INTERROGATORIES,
REQUEST FOR PRODUCTION OF
DOCUMENTS AND REQUEST FOR
ADMISSION ATTACHED

JURY DEMAND ENDORSED HEREON

PARTIES

1. Tracy Braho is a citizen of the State of Ohio, residing in Stark County. Ron Braho is a citizen of the State of Ohio, residing in Stark County.



2. Defendant Liquid Transport Corp is registered with the Federal Motor Carrier Safety Administration with a USDOT number of 70892 and is a business entity organized and existing under the laws of the State of Indiana with its principal place of business in Indianapolis, Indiana. Defendant Liquid Transport Corp has designated John L. Alden located at 1 East Livingston Avenue, Columbus, Ohio 43215 as its agent for the purposes of service of process of this complaint under 49 C.F.R. §366.
3. Defendant Isaias Castellanos, Jr. resides at 4200 Lander Avenue, Turlock, California 95380.

JURISDICTION and VENUE

4. This Court has subject matter jurisdiction, Ohio Rev. Code Ann. § 2305.01 as well as personal jurisdiction over the Defendants.
5. Venue is appropriate in this Court as this action arises from a motor vehicle collision that occurred in Portage County, Ohio.

FIRST CAUSE OF ACTION

Negligence of Isaias Castellanos, Jr.

6. On November 18, 2014, Plaintiff, Tracy Braho, was driving eastbound on I-76. Defendant Isaias Castellanos, Jr. was also driving eastbound on I-76 when he attempted to change lanes and side-swiped Tracy Braho's vehicle, causing Tracy Braho to lose control of her vehicle.
7. Defendant Isaias Castellanos, Jr. had a duty to drive his semi-tractor trailer in a safe and reasonable manner, to obey all traffic laws, to identify other vehicles on the road, including Tracy Braho, and to yield to her.
8. On November 14, 2014, Defendant Isaias Castellanos, Jr. failed in the above-mentioned duties and was therefore negligent.
9. Defendant Isaias Castellanos, Jr.'s negligence was the direct and proximate cause of Tracy Braho's injuries, including but not limited to her injuries of her head, neck and back.

10. As a direct and proximate result of Defendant Isaias Castellanos, Jr.'s negligence, Plaintiff Tracy Braho incurred medical bills for the treatment of her injuries directly resulting from this collision.
11. As a direct and proximate result of Defendant Isaias Castellanos Jr.'s negligence, Plaintiff Tracy Braho experienced physical and mental pain and suffering and lost the ability to perform usual activities, resulting in a diminished quality of life.
12. Defendant Isaias Castellanos, Jr.'s actions demonstrate a conscious disregard for the rights and safety of Tracy Braho and the rest of the motoring public, acting with reckless indifference to the consequences to others despite being aware of his conduct and knowing there was a great probability of causing substantial harm. Accordingly, Plaintiffs demand punitive damages against Defendant Isaias Castellanos, Jr..

SECOND CAUSE OF ACTION

Vicarious Liability of Defendant Liquid Transport Corp

15. All allegations and causes of action above are incorporated into this cause of action by reference.
16. At all relevant times, Defendant Isaias Castellanos, Jr. was the employee, agent, servant, or independent contractor for Defendant Liquid Transport Corp. Accordingly, Defendant Liquid Transport Corp is vicariously liable for the acts of Defendant Isaias Castellanos, Jr. described in the causes of action above.
17. Regardless of the employment or agency relationship, Defendant Liquid Transport Corp is an interstate motor carrier responsible for the acts of the defendant driver.

THIRD CAUSE OF ACTION

Strict Liability of Defendant Liquid Transport Corp

18. All allegations and causes of action above are incorporated into this cause of action by reference.
19. Defendant Liquid Transport Corp is the registered owner of the USDOT number 70892 displayed on the tractor-trailer involved in this collision and is therefore responsible for the acts of Defendant Isaias Castellanos, Jr.

FOURTH CAUSE OF ACTION
Negligence of Defendant Liquid Transport Corp

20. All allegations and causes of action above are incorporated into this cause of action by reference.
21. Defendant Liquid Transport Corp had a duty to act reasonably in hiring, instructing, training, supervising and retaining its drivers and other employees and agents, including Defendant Isaias Castellanos, Jr., and to promulgate and enforce policies, procedures, and rules to ensure that its drivers and vehicles were reasonably safe.
22. Defendant Liquid Transport Corp had a duty to exercise reasonable care in entrusting its vehicles and equipment to responsible, competent and qualified drivers.
23. Defendant Liquid Transport Corp failed in the above-mentioned duties and was therefore negligent.
24. Defendant Liquid Transport Corp's negligence was the direct and proximate cause of Tracy Braho's injuries and the damages described in this Complaint.
25. Defendant Liquid Transport Corp's actions demonstrate a conscious disregard for the rights and safety of Tracy Braho and the rest of the motoring public, acting with reckless indifference to the consequences to others despite being aware of its conduct and knowing there was a great probability of causing substantial harm. Accordingly, Plaintiffs demand punitive damages against Defendant Liquid Transport Corp.

FIFTH CAUSE OF ACTION
Consortium Claim

26. All allegations and causes of action above are incorporated into this cause of action by reference.
27. Plaintiffs Tracy Braho and Ron Braho were married at the time of the crash and remain married.
28. As a direct and proximate result of Defendants' negligence and statutory violations, Ron Braho has lost the companionship, society, services and consortium of Plaintiff Tracy Braho.

WHEREFORE, Plaintiffs respectfully requests judgment in their favor and against all Defendants, in an amount that is just and fair and in excess of Twenty-five thousand dollars (\$25,000.00) (exclusive of costs and interest), in addition to punitive damages, costs and other relief that this Honorable Court deems just under the circumstances.

TRIAL BY JURY IS HEREBY DEMANDED.



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